

REMARKS/ARGUMENTS

The final office action of February 11, 2004 has been carefully reviewed and these remarks are responsive thereto. By the present amendment, Applicants have canceled claims 85-97. Applicants thank the Office for the indication of allowable subject matter in claims 1, 2, 4-19, 23-24, 26-41 and 45-49. Reconsideration and allowance of the application are respectfully requested.

Information Disclosure Statements

Applicants have not received initialed copies of the information disclosure statements filed May 16, 2002 and September 20, 2002. Specifically, reference WO 00/70458 in the IDS of May 16, 2002 and reference WO 99/38081 in the IDS of September 20, 2002 were not acknowledged by the examiner. Acknowledgement of these references and return of the IDS forms indicating as much is respectfully requested.

Election/Restriction

The Office Action restricts claims 85-97 as being drawn to a non-elected invention. The Office Action states that claims 85-97 are directed towards both a first and second node transmitting over a network in a two-way communication, whereas the claims elected by original presentation are directed to only a first computer transmitting to a second computer. Applicants have canceled claims 85-97 without prejudice or disclaimer, in order to pursue these claims in a divisional application if desired.

Rejections Under 35 U.S.C. § 102

Claims 20, 22, 42, 44 and 68-70 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Thalheimer *et al.* (U.S. Pat. No. 5,966,016, hereinafter Thalheimer). Applicants respectfully traverse this rejection.

Independent claim 20 recites, in pertinent part, "randomly selecting one of the plurality of physical transmissions paths through the plurality of computers." The Office Action indicates that Thalheimer describes such a feature at col. 4, lines 25-45. Thalheimer, however, at the cited portion only describes determining whether an alternate IP address is to be used. This is

different than randomly selecting a physical transmission path. In fact, Thalheimer, at the cited portion or elsewhere, does not describe selecting one of a plurality of physical transmission paths, much less doing so randomly. Indeed, the word "random" is not found within the entire specification of Thalheimer. Thus, because Thalheimer does not teach or suggest every recitation of claim 20, the rejection is traversed.

Claim 42, similar to claim 20, recites in pertinent part, that the router "randomly selects one of the plurality of physical transmission paths through the plurality of computers." Claim 42 is therefore allowable for similar reasons as claim 20.

Dependent claims 22 and 44 are allowable based on the allowability of their respective base claims.

Independent claim 68 recites, in pertinent part, "the network address is used to route data packets over the network and is generated using an algorithm that selects the network address quasi-randomly from a plurality of network addresses that are each mapped to the receiving computer." The Office Action states that Thalheimer describes such a feature at col. 4, lines 25-45. Again, at the cited portion Thalheimer merely describes determining whether an alternate IP address is to be used. Thalheimer does not describe the recited methodology by which the IP address is chosen. Even if it did, and as indicated above, Thalheimer does not describe a system where by the IP address is selected quasi-randomly. Indeed, the word "random" does not even appear within the four corners of the Thalheimer patent. Claim 68 is thus allowable over Thalheimer. Claims 69 and 70 are allowable at least based on the allowability of base claim 68.

Claims 50, 51 and 53 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Shannon (U.S. Pat. No. 6,233,618). Applicants respectfully traverse this rejection.

Claim 50 recites, in pertinent part, "the receiving computer maintains a sliding window of valid discriminator values, wherein the window slides to encompass a next range of valid discriminator values in response to detecting matches." The Office Action indicates that Shannon describes such a feature at col. 13, lines 34-65 by moving from table 1 to table 2. However, this argument is fundamentally flawed. The window of the invention claimed in claim 50 refers to valid discriminator values. Table 1 in Shannon is a group/source database (col. 13, lines 56-57, which does contain IP addresses. However, table 2 in Shannon is a separate

group/category database (col. 14, lines 1-3). Tables 1 and 2 are not a sliding window of valid discriminator values, but rather are two separate database tables used independently by the Shannon system. Claim 50 is thus allowable over Shannon. Dependent claims 51 and 53 are allowable based on the allowability of base claim 50.

Rejections Under 35 U.S.C. § 103

Claims 42 and 44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rochberger et al. (U.S. Pat. No. 6,061,736) in view of Thalheimer. Claim 42 recites, in pertinent part, “using a pair of source and destination network addresses generated from an algorithm that generates a plurality of pairs of source and destination addresses each associated with the one randomly selected physical transmission path.” The office action admits that neither Thalheimer or Rochberger teach or suggest this aspect of the claim, instead making the conclusory statement that “this feature is well known in the art.” However, the office action provides no evidence of the level of knowledge of one of ordinary skill in the art, or any evidence of how or why this feature is well known in the art. Also, it appears that the office action is misinterpreting the claim. That is, claim 42 recites *an algorithm* that generates a plurality of pairs of source and destination addresses. However, it is unclear whether the office action is attempting to argue that the use of a single algorithm is known, which applicants contend is not, or whether the office action merely indicates that aliasing in general is known, which is different from claim 42 for the reasons discussed above. Claim 42 is thus not obvious over Rochberger in view of Thalheimer, and this rejection is respectfully traversed.

CONCLUSION

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

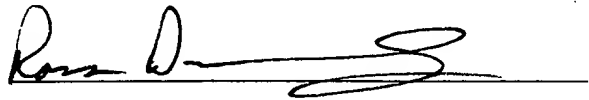
Appln. No.: 09/429,643
Reply to Office Action of February 11, 2004

All rejections having been addressed, applicants respectfully submit that the application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the examiner is requested to contact the undersigned at (202) 824-3160.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated this 13 day of Apr., 2004

By:



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